

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DAVID D. BUTLER,

Plaintiff,

v.

JAMES HANKEN, et al.,

Defendant.

CASE NO. 2:23-cv-01624-LK-BAT

**ORDER STRIKING REPORT AND
RECOMMENDATION AND
GRANTING APPLICATION TO
PROCEED *IN FORMA PAUPERIS*
AND DIRECTING INSTITUTION
TO CALCULATE, COLLECT, AND
FORWARD PAYMENTS**

Plaintiff is a prisoner proceeding *pro se* in this civil rights action. The Court **ORDERS:**

1. The report and recommendation filed on November 28, 2023, is **STRICKEN**.

Dkt. 3.

2. Plaintiff's application to proceed *in forma pauperis* is **GRANTED**. Dkt. 4.

3. Pursuant to 28 U.S.C. § 1915, and plaintiff's approved application to proceed *in forma pauperis*, the agency having custody of the above-named plaintiff is directed to calculate an initial partial filing fee equal to 20 percent of the greater of either: (a) the average monthly deposits to the prisoner's account; or (b) the average monthly balance in the prisoner's account for the 6-month period immediately preceding the date of this Order. The initial partial filing fee should be forwarded to the Clerk of Court as soon as practicable.

1 Subsequently, if the prisoner's account exceeds \$10.00, each month the agency having
2 custody of the prisoner is directed to collect and forward payments equal to 20 percent of the
3 prisoner's preceding month's income credited to the prisoner's account. If the monthly payment
4 would reduce the prisoner's account below \$10.00, the agency should collect and forward only
5 that amount which would reduce the prisoner's account to the \$10.00 level. Please note this
6 \$10.00 limit does not apply to the initial partial filing fee described above. Finally, the monthly
7 payments should be collected and forwarded to the Court until the entire filing fee (\$350.00) for
8 this matter has been paid.

9 4. The Clerk shall provide a copy of this Order to Plaintiff, to the financial officer of
10 this Court, and to the agency having custody of Plaintiff.

11 DATED this 5th day of December, 2023.

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BRIAN A. TSUCHIDA
United States Magistrate Judge